

12-08-06

IFW

3736

<b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b> (Under 37 CFR 1.97(b) or 1.97 (c))	Docket No. <b>227/04636</b>
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In Re Application of:

**Benny PESACH et al.**

Application No.	Filing Date	Examiner	Customer No.	Art Unit	Confirmation No.
<b>10/542,600</b>	<b>August 07, 2006</b>	<b>UNKNOWN</b>	<b>44909</b>	<b>3736</b>	<b>7281</b>

Title:

**PHOTOACOUSTIC ASSAY METHOD AND APPARATUS**

Address to:  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

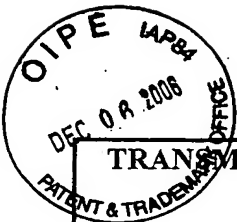
**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

**OR**

☐ the fee set forth in 37 CFR 1.17(p).



**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97 (c))

Docket No.

**227/04636**

In Re Application of::

**Benny PESACH et al.**

Application No.	Filing Date	Examiner	Customer No.	Art Unit	Confirmation No.
<b>10/542,600</b>	<b>August 07, 2006</b>	<b>UNKNOWN</b>	<b>44909</b>	<b>3736</b>	<b>7281</b>

Title:

**PHOTOACOUSTIC ASSAY METHOD AND APPARATUS**

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below.
- ☐ Charge the amount of \$00.00
- ☒ Credit any overpayment.
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- ☐ Payment by credit card. Form PTO-2038 is attached.

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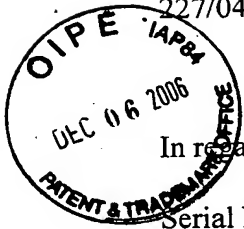
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\*This certificate may only be used if paying by deposit account.

*Paul Fenster*  
**Paul Fenster, Reg. No. 33,877**

**Date: November 16, 2006**

William H. Dippert, Esq.  
Wolf, Block, Schorr & Solis-Cohen LLP  
250 Park Avenue  
New York, New York 10177  
Tel: (212) 986 1116

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Benny PESACH et al.

Serial No : 10/542,600

Group Art Unit: 3736

Filed : August 07, 2006

Examiner: Unknown

For : PHOTOACOUSTIC ASSAY METHOD AND APPARATUS

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present application, U.S. Application No. 10/542,600, is a U.S. national stage of PCT Application No. PCT/IL2004/000034. Applicants hereby submit an Information Disclosure Statement citing art.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP §2001.06 and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies<sup>1</sup> of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Copies of items 1 – 4, 12-14 are not attached, as the USPTO waived the requirement under 37 CFR 1.98(a)(2)(i) for submitting copies of US patents and US patent application publications in all U.S. applications filed after June 30, 2003. See MPEP 609 III A(2).

<sup>1</sup> To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

Since items 5 and 7 are in a foreign language, Applicants attach an English-language abstract to each of the references.

Since item 21 is in a foreign language, Applicants attach an English translation of JP Publication No. 09-145683. The translation was downloaded from the Japanese Patent Office site.

In accordance with MPEP §609 it is requested that each document cited (including any mentioned in Applicants' specification which is not repeated on the attached PTO-1449 form(s) or equivalents thereof) be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,  
Benny PESACH et al.




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Paul FENSTER  
Registration No. 33,877

November 16, 2006

William H. Dippert, Esq.  
Wolf, Block, Schorr & Solis-Cohen LLP  
250 Park Avenue  
New York, NY 10177  
Tel: 212-986-1116

<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary) 	ATTY DOCKET NO. <b>227/04636</b>	SERIAL NO. <b>10/542,600</b>
	APPLICANT(S) <b>Benny PESACH et al.</b>	
	FILING <b>July 08, 2006</b>	GROUP <b>3736</b>

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
	1.	6,049,728	11 Apr '00	CHOU et al.			
	2.	6,405,069	11 Jun '02	KARABUTOV et al.			

### U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
	3.	2002/072657	13 Jun '02	BOUSQUET et al.			
	4.	2002/155615	24 Oct '02	NOVIKOV et al.			

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
							YES	NO
	5.	EP 0 829 224	18 Mar '98	EUROPE			√	
	6.	EP 1 048 265	02 Nov '00	EUROPE				
	7.	WO 01/66005	13 Sep '01	PCT			√	

### OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

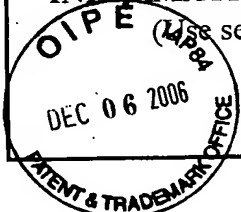
	8.	Esenaliev, R.O. et al. "Noninvasive Monitoring of Glucose Concentration with Optical Coherence Tomography". Optics Letters, Optical Society of America, Washington, US, Vol. 26, no. 13, 1 July 2001, pages 992-994.
	9.	Mourant, J.R. et al. "Mechanisms of light scattering from biological cells relevant to noninvasive optical-tissue diagnostics". Applied Optics, 1 June 1998, Opt. Soc. America, USA. Vol. 37, No. 16. pages 3586-3593.
	10.	Oberheide, U. et al. "Two-dimensional detection of optoacoustic stress transients". Proceedings of the SPIE - The International Society for Optical Engineering, 2002. Vol. 4618, pages 99-105.
	11.	Tuchin, V.V. et al. "Dynamic optical coherence tomography in studies of optical clearing, sedimentation and aggregation of immersed blood". Applied Optics, Vol. 41, No.1, pp.258-271, January 2002.
EXAMINER		DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

Form PTO-A820

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(also form PTO-1449)

PAGE 1 OF 2

<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary) 	ATTY DOCKET NO. <b>227/04636</b>	SERIAL NO. <b>10/542,600</b>
	APPLICANT(S) <b>Benny PESACH et al.</b>	
	FILING <b>July 08, 2006</b>	GROUP <b>3736</b>

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
	12.	6,498,942	24 Dec '02	ESENALIEV et al.			

### U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
	13.	2004/054268	18 Mar '04	ESENALIEV et al.			
	14.	2004/127777	01 Jul '04	RUCHTI et al.			

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
							YES	NO
	15.	WO 02/15776	28 Feb '02	PCT				
	16.	WO 03/063699	07 Aug '03	PCT				
	17.	WO 91/18548	12 Dec '91	PCT				
	18.	WO 98/38904	11 Sep '98	PCT				
	19.	WO 2005/111634	24 Nov '05	PCT				
	20.	GB 2 322 941	09 Sep '98	GREAT BRITAIN				
	21.	JP 09-145683	06 Jun '97	JAPAN			√	

### OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

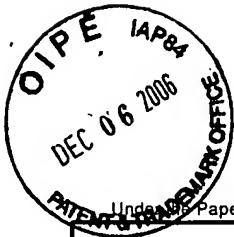
	22.	Yoon, G. et al. "Determination of Glucose Concentration in a Scattering Medium Based on Selected Wavelengths by Use of an Overtone Absorption Band". Applied Optics, 1 March 2002. Vol. 41, No.7.
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

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PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Applicant: Benny Pesach et al.  
Serial No: 10/542,600  
Filing Date: August 7, 2006  
For: Photoacoustic Assay Method And Apparatus  
Enclosures: (1) Transmittal of IDS (3 pages);  
(2) Information Disclosure Statement (2 pages);  
(3) IDS Citation (2 pages) w/fifteen cited references;  
(4) Acknowledgement postcard

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